

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

NETLIST, INC.

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD, et al.

Defendants.

Civil Case No. 2:22-cv-00293-JRG
(Lead Case)

JURY TRIAL DEMANDED

NETLIST, INC.

Plaintiff,

v.

MICRON TECHNOLOGY TEXAS, LLC, et al.

Defendants.

Civil Case No. 2:22-cv-00294-JRG
(Member Case)

JURY TRIAL DEMANDED

MICRON'S MOTION TO STAY

Defendants Micron Technology, Inc., Micron Semiconductor Products, Inc., and Micron Technology Texas LLC (collectively, “Micron”) hereby move the Court to stay this case pending IPR. A stay is warranted because the PTAB has now instituted IPR proceedings encompassing all asserted claims in both of the consolidated cases. Furthermore, the PTAB will issue a final written decision for one of the asserted patents the same week as the currently scheduled trial,¹ and a final written decision for the other asserted patent a few months later. Netlist faces no prejudice by a stay because it has a history of licensing its patents. A stay is warranted under these facts. See, e.g., *Arbor Global Strategies LLC v. Samsung Elecs. Co.*, No. 2:19-CV-00333-JRG-RSP, 2021 WL 66531 (E.D. Tex. Jan. 7, 2021) (staying for IPR when expert discovery underway and trial in three months).

I. BACKGROUND

Consolidated defendant Samsung originally moved to stay its -293 case (Dkt. No. 88) and the Court denied that request without prejudice (Dkt. No. 180). Samsung had filed IPR challenges to the four patents asserted against Samsung: U.S. Patent Nos. 10,268,608, 11,093,417, 7,619,912, and 9,858,215. The Court, however, indicated in its denial that the IPR challenge to the ’608 patent had not instituted. Dkt. No. 180 at 3.

At this time, Netlist was asserting three patents against Micron: the ’215, ’417, and ’912 patents. Micron filed copycat IPR petitions (copying Samsung’s IPR challenges) and motions for joinder for these three patents. When Micron filed its copycat petitions, Netlist was asserting numerous claims of its ’912 patent: claims 1, 3-4, 6, 8, 10-11, 15-16, 18-20, 22, 24, 27-29, 31-32,

¹ Trial is set for both consolidated cases to start on April 15, 2024. The Court has not yet set separate trial dates for the Samsung and Micron cases, and as such a final decision in the IPR is likely to occur before the Micron trial (assuming that the Court sets the Samsung trial first, given it was the first-filed case with a lower case number).

34, 36-41, 43, 45-47, 50, 52-60, 62-65, 69-75, 77, and 80-91. Netlist later withdrew its infringement allegations for the '215 patent.² Netlist also reduced its asserted claims for the '912 patent down to a single claim: claim 16—the sole claim at issue in the IPR challenge to the '912 patent.

On December 12, 2023, the PTAB instituted IPR proceedings for the '608 patent. The current status of the IPR challenges for the patents asserted against Micron are:

Patent	IPR	Claims	Institution Date	Expected Final Written Decision
'912 Patent	IPR2023-00203	16	Oct. 19, 2022	April 19, 2024
'417 Patent	IPR2023-01141	1-15	Aug. 1, 2023	Aug. 1, 2024

II. ARGUMENT

To reduce the burden on the Court in deciding similar issues, Micron identifies that consolidated co-defendant Samsung filed a Renewed Motion to Stay (Dkt. No. 285). Micron incorporates the legal standards and arguments supporting a stay discussed therein in Samsung's Motion to Stay Dkt. No. 285. Indeed, a stay is further warranted here because Netlist is only asserting two patents against Micron and the latest final written decision is expected to issue by August 1, 2024. A stay here will likely simplify the case by helping the court determine validity issues or eliminating the need to try infringement issues. *Customedia Techs. LLC v. DISH Network Corp.*, No. 2:16-CV-129-JRG, 2017 WL 3836123, at *1 (E.D. Tex. Aug. 9, 2017) (citing *NFC Tech. LLC v. HTC Am. Inc.*, No. 2:13-cv-1058-WCB, 2015 WL 1069111, at *2 (E.D. Tex. Mar. 11, 2015)).

Dated: December 19, 2023

Respectfully submitted,
By: /s/ Michael R. Rueckheim

² Netlist did not include any infringement arguments for this patent in its technical expert reports.

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MICRON TECHNOLOGY, INC.,
MICRON SEMICONDUCTOR
PRODUCTS, INC., AND MICRON
TECHNOLOGY TEXAS LLC**

CERTIFICATE OF SERVICE

I hereby certify that on December 19, 2023, the foregoing document was electronically filed with the Clerk of Court using the Court's CM/ECF system, which will send notification of such filing to all counsel of record, including counsel of record for Plaintiff Netlist Inc.

/s/ Michael Rueckheim
Michael R. Rueckheim

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule CV-7(h) and (i), Micron certifies that Micron, through counsel Michael Rueckheim, informed Plaintiff, specifically Netlist counsel Jason Sheasby, of Micron's intent to move to stay the above captioned case. Plaintiff responded that it opposes the motion.

/s/ Michael Rueckheim
Michael R. Rueckheim